

CALIFORNIA LITIGATION:

Editor's Foreword, Volume 11, Number 2, Winter 1998

The Business of Lawyering

By Russell Leibson

There is no doubt that the highly competitive marketplace for legal services and the delivery of legal services are undergoing dramatic change. This issue examines some of the changes impacting the "business" of practice.

Jesse D. Miller's article looks at the billable hour, often perceived as the "villain of the piece" in legal dramas by winning and losing clients alike. After a decade of experimentation by in-house counsel and their professional groups, reports of its demise have been greatly exaggerated. He calls for a return to old-fashioned professional values – trust, loyalty, integrity, and cooperation – to achieve the goals of client and counsel.

Barbara Lewis and Dan Otto offer their perspectives on effective marketing techniques to attract new business and strengthen existing client relationships. In their view, a detailed written marketing plan and action steps, coupled with astute financial management, are the keys to successful rainmaking.

Ellen R. Peck and Jeffrey G. Kichaven look at enforcing arbitration of lawyer and client disputes. They argue persuasively that properly drafted arbitration clauses in fee agreements with clients can be beneficial to both lawyers and clients because arbitration permits confidentiality, more flexibility and, in many cases, cost-effectiveness, speed and less stress.

Christopher P. Bisgaard's article addresses a subject near and dear to the hearts of all practitioners — client development. Starting with the premise that attracting new business is a team effort, the author suggests fourteen practical steps to follow to insure that you, not a competitor, get that next case.

A. Peter Rausch's article covers basic hardware and equipment selection and acquisition, provides an overview of software applications available to practitioners, guidelines for making the Internet work practically in law practice and offers a list of useful Web sites.

Pamela Phillips and Suzanne Mellard discuss the perils of lateral hires, give an overview of the applicable law on conflicts of interest, and offer some sound practical suggestions for "doing it right."

Robert J. Scott's article looks at "outsourcing" of legal services to specialized research and brief writing firms. A fairly recent innovation in the delivery of legal services, outsourcing can, in appropriate cases, make good business sense for the lawyer and client.

Gerald F. Uelmen, a confessed California Supreme Court watcher, comments on how recent changes in the makeup of the Court, and a pronounced shift of position along the ideological spectrum by Justices George and Werdegarr, have led to more unpredictable outcomes, split decisions, and the emergence of a "center" on the Court.

The Hon. William F. McDonald's Judicial Opinion recounts recent high profile attacks on judges accused of making unpopular rulings, warns of the threat such attacks pose to the rule of law, and calls for changes in the methods used to select, retain and police judges, to insure a truly independent judiciary.

— Looking Forward —

The pace of change in many areas of the law continues to accelerate. Staying abreast of such changes is

proving to be one of the more difficult challenges faced by lawyers and judges alike. Our next issue looks at "Emerging Issues," including articles on jury reform, intellectual property rights, sanctions, ADR after the Engalla decision, new developments in regulatory law and a host of other issues. This issue will provide astute commentary and valuable practical tips enabling practitioners to successfully traverse our rapidly changing legal landscape.

Russell Leibson, Editor-in-Chief of California Litigation, practices at his own firm in San Francisco.

California Litigation is pleased to review original articles submitted for publication.
(Articles should be 8-10 double-spaced pages, or about 2,000 words.)

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